

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Guidelines for Evaluating the)
Environmental Effects of)
Radiofrequency Radiation)

ET Docket No. 93-62

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COMMENTS OF
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION
ON PETITIONS FOR RECONSIDERATION AND CLARIFICATION

The Cellular Telecommunications Industry Association ("CTIA")¹ respectfully submits these comments in support of the Petitions for Reconsideration in this proceeding.² Specifically, CTIA agrees that the January 1, 1997 deadline for transition to the new radiofrequency guidelines should be modified to one year after the final version of the revised OET Bulletin No. 65 is released.³

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers, including forty-eight of the fifty largest cellular, broadband personal communications service ("PCS"), enhanced specialized mobile radio, and mobile satellite service providers. CTIA represents more broadband PCS carriers, and more cellular carriers, than any other trade association.

² Report and Order, ET Docket No. 93-62, FCC 96-326 (released Aug. 1, 1996) ("Order").

³ See Paging Network, Inc., Petition for Reconsideration and Clarification at 4-5, Sept. 6, 1996; BellSouth Corp., Petition for Reconsideration and Clarification at 5, Sept. 6, 1996; US West, Petition for Reconsideration/Clarification at 3-5, Sept. 6, 1996; AT&T Wireless Services, Inc.,

In its Order, the Commission determined that the new radiofrequency ("RF") guidelines will apply to station applications or renewals filed after January 1, 1997. The Commission recognized, however, that this "relatively short transition period may cause some difficulties" and concluded that, for a period of one year from the date that the Order is adopted, the Bureaus may address under delegated authority the specific needs of individual parties that make a good cause showing that they require additional time to meet the new guidelines.⁴

On September 17, 1996, the Commission released a draft version of its OET Bulletin No. 65, which contains vital information regarding methods and instruments that may be used to calculate RF exposure limits and methods of controlling exposure in order to bring facilities into compliance with the new guidelines. Public comments on the Bulletin are due October 18, and the Commission plans to release the final version in mid-to-late November. The Commission emphasized, however, that the draft should not be "used for compliance purposes at this time."⁵ As such, licensees will be unable to

Petition for Reconsideration at 2-5, Sept. 6, 1996; Personal Communications Industry Association, Petition for Reconsideration and Clarification at 10-14, Sept. 6, 1996; Ameritech Mobile Communications, Inc., Petition for Reconsideration and Clarification at 4-6, Sept. 6, 1996.

⁴ Order at ¶ 112.

⁵ Letter from Robert F. Cleveland, FCC to Reviewers of Draft Technical Bulletin 65, Sept. 17, 1996.

begin implementing procedures to evaluate compliance of their facilities until at least early December.

There is ample support in the record indicating that many carriers likely will not be able to comply with the new guidelines by the January 1, 1997 transition deadline.⁶ CTIA agrees that carriers will not have sufficient time between when the final updated OET Bulletin No. 65 is released and the start of the New Year to undertake all of the necessary steps toward compliance.

The compliance process established by the new RF guidelines requires three major steps. First, licensees for certain services that previously were "categorically excluded" from compliance evaluations, such as cellular and "covered" specialized mobile radio ("SMR") services, now must determine whether their transmitting facilities must be evaluated for compliance according to conditions based on operating power, location (i.e., whether a facility constitutes a rooftop vs. a non-rooftop antenna), and/or height above ground.⁷ If a

⁶ See Arizona Department of Public Safety, Comments at 8; National Association of Broadcasters, Comments at 36; Association of Federal Communications Consulting Engineers, Comments at 6; Society of Broadcast Engineers, Reply Comments at 4; Paging Network, Inc., Petition for Reconsideration and Clarification at 4-5, Sept. 6, 1996; BellSouth Corp., Petition for Reconsideration and Clarification at 5, Sept. 6, 1996; US West, Petition for Reconsideration/Clarification at 3-5, Sept. 6, 1996; AT&T Wireless Services, Inc., Petition for Reconsideration at 2-5, Sept. 6, 1996; Personal Communications Industry Association, Petition for Reconsideration and Clarification at 10-14, Sept. 6, 1996; Ameritech Mobile Communications, Inc., Petition for Reconsideration and Clarification at 4-6, Sept. 6, 1996.

⁷ Order at ¶ 90.

licensee determines that an evaluation is required, the licensee must then determine whether the installed transmitters comply with the limits for Maximum Permissible Exposure ("MPE"). Finally, if that evaluation indicates that the transmitting facility, operation or device exceeds or will exceed the MPE limits, the licensee must either prepare an Environmental Assessment or ensure that procedures are in place to limit accessibility or otherwise control exposure so that the guidelines are met.

Each step of this process will require intensive resources on behalf of individual licensees, some of which have hundreds or thousands of transmitting facilities that will be affected.⁸ Based on CTIA's latest Semi-Annual Data Survey, cellular and broadband PCS licensees operate more than 24,802 cell sites.⁹ Moreover, numerous sites may have several transmitters which must be evaluated for compliance with the RF guidelines. Given the large number of transmitting

⁸ See AT&T, Petition for Reconsideration at 3 (noting that "AT&T alone has more than 4500 transmitter sites"); PCIA, Petition for Reconsideration and Clarification at 11 n.11 (noting that the Commission's estimate that 1,176 paging applications will be subject to routine evaluation severely underestimates the burden on carriers); U S West, Petition for Reconsideration/Clarification at 4 (stating that U S West NewVector Group must determine compliance for more than 1,100 stations); Paging Network, Inc., Petition for Reconsideration and Clarification at 2-3 n.2 (noting that PageNet alone may have as many as 1,176 affected transmitters).

⁹ "Wireless Growth Sets New Annual Records: 10 Million New Customers, Over \$20 Billion in Revenues, Monthly Bills Fall Below \$50," CTIA Press Release, Sept. 19, 1996, <http://www.wow-com.com>.

facilities operated by many wireless carriers, even the first step of determining whether a particular facility is located on a roof-top or a stand-alone tower will require extensive research and time. Once the sites requiring evaluation are identified, carriers must then calculate RF exposure by estimating field strength and power density levels for each facility, and trained engineers may be required to visit each site to take field measurements, evaluate the accessibility of each roof-top, or determine whether other limitations on exposure to the public and/or workers apply that otherwise bring the facility into compliance.

Assuming that the final OET Bulletin will be released in mid-to-late November, licensees will have one month to complete a very complex and time-consuming process. Given the intense amount of resources the process will require, many carriers will be unable to complete the evaluation process by the January 1, 1997 deadline. In order to avoid a flood of waiver petitions, the Commission should extend the compliance date to one year after the final version of the OET Bulletin is released and allow licensees to conduct a thorough and accurate evaluation of their facilities.

CONCLUSION

For the foregoing reasons, CTIA urges the Commission to extend the transition deadline for compliance to one year after the revised OET Bulletin No. 65 is released.

Respectfully submitted,


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